

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL COLEMAN,

Petitioner,

Case No. 1:02-cv-467

v.

HON. DAVID W. McKEAGUE

ROBERT KAPTURE, et al.,

Respondents.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Michael Coleman, a prisoner in the custody of the Michigan Department of Corrections, having petitioned the Court for writ of habeas corpus under 28 U.S.C. § 2254; and

The petition having been reviewed by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b), who, on May 5, 2005, issued a report and recommendation recommending that the petition be dismissed without prejudice; and

The report and recommendation having been duly served on the parties and no objection having been received within the time permitted by law; and

The Court having duly considered the report and recommendation and finding that it is well-reasoned and in accord with applicable law; now therefore,

IT IS HEREBY ORDERED that the report and recommendation is **ADOPTED** as the opinion of the Court; and

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED** without prejudice.

Dated: June 6, 2005

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT JUDGE